

OCT 18 2005

PATENT
Docket No.134.01910101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): BENZ et al.) Group Art Unit: 1711
)
 Serial No.: 10/663,926) Examiner: Rabon A. Sargent
 Confirmation No.: 2299)
)
 Filed: September 16, 2003)
 For: COMPOUNDS CONTAINING QUATERNARY CARBONS AND SILICON-
 CONTAINING GROUPS, MEDICAL DEVICES, AND METHODS

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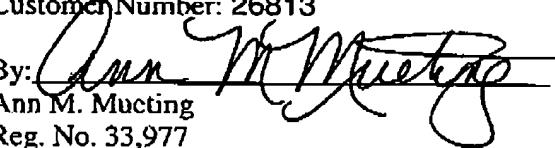
Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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October 18, 2005
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Signature: Sue Dombroske
 Name: Sue Dombroske

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed September 28, 2005, Applicants elect, with traverse, Group II (claims 1-70 and 76), directed to a polymer or a medical device including a polymer.

In addition, with respect to the species election, Applicants elect, with traverse, a polymer wherein: n=1, m=1, R, R¹, R², R³, R⁴, R⁵ (in claim 17) = saturated aliphatic group, V=R¹, and Y=OH.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Furthermore, with respect to the species election, this election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims.

Response to Restriction Requirement

Applicant(s): BENZ et al.

Serial No.: 10/663,926

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Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

Applicants reserve the right to pursue examination of any non-elected claims in continuation or divisional applications.

The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:	
<p>The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this <u>18th</u> day of October, 2005, at <u>1:00 pm</u> (Central Time).</p> <p><i>Sue Dombroske</i> By: Sue Dombroske</p>	

October 18, 2005
Date

AMM/skd

Respectfully submitted for
BENZ et al.

By
Mueting, Raasch & Gebhardt, P.A.
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